

AT-RISK STUDENT PROVISIONS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Robles

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the State System of Public Education code relating to at-risk students.

Highlighted Provisions:

This bill:

- requires a local school board or governing board of a charter school to enact certain gang prevention and intervention policies; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-902, as last amended by Laws of Utah 2007, Chapter 161

ENACTS:

53A-15-603, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-11-902** is amended to read:

§B0059

53A-11-902. Conduct and discipline policies and procedures.

The conduct and discipline policies required under Section 53A-11-901 shall include:

- (1) provisions governing student conduct, safety, and welfare;
- (2) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
- (3) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (2);
- (4) procedures for the use of reasonable and necessary physical restraint or force in dealing with disruptive students, consistent with Section 53A-11-802;
- (5) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (2), if the conduct threatens harm or does harm to:
 - (a) the school;
 - (b) school property;
 - (c) a person associated with the school; or
 - (d) property associated with a person described in Subsection (5)(c);
- (6) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
- (7) specific provisions, consistent with Section 53A-15-603, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events; and
- (8) standards and procedures for dealing with habitual disruptive student behavior in accordance with the provisions of this part.

Section 2. Section **53A-15-603** is enacted to read:

53A-15-603. Gang prevention and intervention policies.

- (1) The State Board of Education shall adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction.
- (2) The rules described in Subsection (1) may include the following provisions:
 - (a) school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement;

(b) a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement;

(c) gang-related graffiti or damage to school property shall result in parent or guardian notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage;

(d) if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents and guardians of students in the school:

(i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;

(ii) emphasizing the school's concern for safety; and

(iii) outlining the action taken at the school regarding the incident;

(e) school faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;

(f) prohibitions on the following behavior:

(i) advocating or promoting a gang or any gang-related activities;

(ii) marking school property, books, or school work with gang names, slogans, or signs;

(iii) conducting gang initiations;

(iv) threatening another person with bodily injury or inflicting bodily injury on another in connection with a gang or gang-related activity;

(v) aiding or abetting an activity described under Subsections (1)(f)(i) through (iv) by a person's presence or support;

(vi) displaying or wearing common gang apparel, common dress, or identifying signs or symbols on one's clothing, person, or personal property that is disruptive to the school environment; and

(vii) communicating in any method, including verbal, non-verbal, and electronic

90 means, designed to convey gang membership or affiliation.

91 (3) The rules described in Subsection (1) may require a local school board or governing
92 board of a charter school to publicize the policies enacted by the local school board or
93 governing board of a charter school in accordance with the rules described in Subsection (1) to
94 all students, parents, guardians, and faculty through school websites, handbooks, letters to
95 parents and guardians, or other reasonable means of communication.

96 (4) The State Board of Education may consult with appropriate committees, including
97 committees that provide opportunities for the input of parents, law enforcement, and
98 community agencies, as it develops, enacts, and administers the rules described in Subsection
99 (1).

Legislative Review Note
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Office of Legislative Research and General Counsel